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ABSTRACT

The effects of the Brown v. Board of Education of Topeka, Kansas decision of 1954 reached some 160 million people and had implications for about 40 percent of all school children in the United States. The impetus for social reform emanating from this decision extended beyond school children and the public school arena to the civil rights movement of the 1960s and other social movements. Despite this, the implementation of the "Brown" decision has been plagued with imperfection and ineffectiveness. Passage of the Civil Rights Act of 1964 was another milestone in school desegregation efforts; this Act strengthened "Brown" by giving it Federal enforcement initiative. Nonetheless, actual increases in the enrollment of blacks in formerly all-white school took years to achieve. Furthermore, after peaking in the early 1970s, black representation in higher education began to decrease again. The major problem, however, is that even with greater educational opportunities for blacks, school "integration" has not taught black children how to read and to be free, proud, and competent. True integration is, at least, a two-way learning process, and it is the opinion of some individuals that white people in power are not convinced that their children or teachers have anything to learn from blacks. (GC)

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FROM BROWN TO GROVE CITY COLLEGE: 1954-1984

By

Leon Jones

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School of Education

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INTRODUCTION

It was cloudy and warm that spring Monday morning in Washington, D.C. on May 17, 1954. A story of truly momentous proportions was unfolding at the United States Supreme Court where a courageous group of civil rights lawyers emerged from the marbled corridors of justice jubilantly clutching a document, to be known forever to lawyers as Brown v. Board of Education of Topeka, Kansas, 347 U.S. 483 (1954). It declared that black children shall no longer be forced to attend school separately form white children in America. That historic document was to alter profoundly the American political, social, and moral landscape. This spring of 1984 marks the end of three long tumultuous decades since that electrifying moment, 12:52 p.m., when reading for the Court, Chief Justice Earl Warren quoted approvingly what has come to be known as the only soaring passage in the opinion wherein he said: "[T]o separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to be undone."

On the one hand, Arthur E. Sutherland, writing in the Atlantic Monthly, captured much the nation's and the world's reaction to the Brown decision as he wrote: "The Court did more justice than all of its predecessors on Monday May 17, 1954, when it issued the historic ruling."1/ On the other hand, as the official spokesman for the Deep South, Georgia's Governor Herman Talmadge proclaimed: "Blood will flow in the rivers."2/ To be sure, the former Confederate states of Ala-

bama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia offered the strongest resistance to Brown initially; but, as history has shown, the resistance from the cities of the North and West proved to have been more effective in the long run.

THE MATTER OF IMPLEMENTATION

The effects of the Brown decision of 1954 reached some one hundred and sixty million people. In states primarily affected by this decision were to be found some eight million white and some two and one-half million black children. According to Lee O. Garber, this meant that for about 40 per cent of all school children in the United States, future adjustment was at stake.3/ It follows thusly that any decision that affects that large of a group--160,000,000 people--in such a manner has social implications that cannot be minimized. In this regard, Norman A. Brittin wrote: "The Court said what segregation does to the colored, but they didn't tell what non-segregation does to the white."4/ Brittin points out that this remark was being heard all over the South. Thus indicating, in late 1954, the kind of troubled and resentful response that white Southerners were giving to the Supreme Court decision that outlawed segregation in the public schools.

The impetus for social reform eminating from Brown extended beyond school children and the public school arena. It gave rise to the Civil Rights Movement of the 1960s, for example, and various ramifications that flowed from the Movement. Some of the ramifications were themselves rather broad based

and they will be treated later. Despite the widespread ramifications of Brown, the national and international pressure that influenced the Court's 1954 decision did not see fit to have it implemented expeditiously. And, at the risk of merely stating the obvious, Brown did not miraculously bring about any immediate integration of "blacks" and "whites" in the public schools. In fact, the Court's May 31, 1955 Brown II decision (commonly known as the "with all deliberate speed" decision) ordering the states to "make a prompt and reasonable start towards full compliance,"5/ witnessed only a minimal level of effectiveness, reports William W. Brickman.6/

Sam Duker looked at Brown in a different context, stressing the point that in all instances the Supreme Court's decisions have had a strong impact on educational practices in the United States; but that, in spite of that impact, there seems to be a general failure to understand properly the nature of the function of the Supreme Court. Simply put, in Brown, the Court merely stated a principle. Duker makes the point that quite often there was a misunderstanding of what had really been decided. And that that trend continued to plague the Court's ruling in Brown, as well as some subsequent supportive decisions, namely, the "deliberate speed" decision and a September 29, 1958 decision; which declared that "[t]he constitutional rights of children must not be discriminated against in school admission on the grounds of race or color...."7/ Hence, neither of these decisions was implemented effectively. More importantly, however, is the fact that Brown I, although seemingly destined to affect virtually every aspect of American's relationship with each other has been plagued with imper-

fection and ineffectiveness at the implementation level up through the present time. And, as early as 1955, Brickman cited ways that the federal courts let the wording of the "deliberate speed" decision bring about considerable confusion, condonation, circumvention, and even counteraction.8/

Problems of implementation do not tell the whole story about those troubled and thorny issues that blighted the early efforts to effectuate Brown. For example, on September 18, 1957--just about two and one-half years after Brown--the Russians launched Sputnik I; which sounded the first gong of the "death knell" for the landmark Brown decision. According to Bruno Bettelheim, until that time politicians, educators, and other professionals were at least beginning to talk seriously about the possibility of uniform education for all on equal terms.9/ The advent of Sputnik I characterized a distinct shift in educational emphasis, to enhance learning opportunities for the gifted child, which led to the establishment of the National Defense Educational Act of 1958.

During this same time frame (late 1950s through early 1960s) Brown received its first out-of-court initiative in the form of a boost from the Civil Rights Movement; which, among other things, sired the "black militancy." It also produced James S. Coleman's "Equality of Educational Opportunity" (The Coleman Report)10/ wherein and whereby "Coleman failed to find what he had expected to find--direct evidence of large inequalities in educational facilities in schools attended by children from different majority or minority groups."11/ Arguing that schools fail to make a difference in student achievement because social factors, especially family background, overpower

school effects, Coleman influenced National Educational policy toward 'stepped-up" school desegregation efforts that, regrettably, culminated in the "busing controversy" of the mid-1970s.

Responses and reactions to the Coleman Report varied widely. Foremost among the reactions was the research of Arthur Jensen. In answering his own question: "Can Negroes Learn the Way Whites Do?12/ in the negative, the popular version of Jensen's answer was that blacks are innately, inherently, and intellectually inferior to whites.

Returning to civil rights, New York's State Commissioner of Education (and later the U.S. Commissioner of Education) James E. Allen, Jr. cites the Civil Rights Movement as one of the greatest of our times and the most demanding with respect to education.13/ Indeed, Allen intimates that a review of the Congressional Record on the "Arguments For and Against the Civil Rights Bill," leaves one with the feeling that the momentum of the Civil Rights Movement and its impact on education had a profound influence on the passage of the Civil Rights Act.

The alleged import of the Civil Rights Movement on the passage of the Civil Rights Act of 1964, notwithstanding, this author believes that its passage is primarily indebted to the assassination of President Kennedy, followed by the good spirit and genuine commitment combined with the political wizardy of his successor, President Johnson.

Passage of the Civil Rights Act was no small accomplishment with respect to school desegregation efforts. Titles IV and VI of the Act have as their fundamental objectives the speeding and easing of the course of desegregation of the United States public schools. It is noteworthy, however, that the

Civil Rights Act is by no means limited to these Titles and desegregation of public education, as Title IX deals with sex discrimination. Because of some of the communalities between sex discrimination and race discrimination, this paper is, in part, named for Grove City College v. Bell--a February 28, 1984 Supreme Court decision. In Grove City College the Court ruled that a federally assisted program must be identified before Title IX coverage is triggered. And further, that a federal agency awarding assistance may be secured by termination "[t]o the particular program, or part thereof, in which...non-compliance has been...found."15/ Hence, this ruling virtually eliminates any threat of cutting-off federal funds to an academic institution.

THE IMPACT OF THE CIVIL RIGHTS ACT

Although the landmark Brown decision was handed down in 1954, it took ten years for Congress to finally catch up with the Supreme Court by passing the Civil Rights Act in 1964. The Congress, by its nature, is greatly influenced by the national and international mood; therefore, it came as no surprise that congressional passage of the Civil Rights Act followed the assassination of President John F. Kennedy--a friend to the Movement. As indicated earlier, the Civil Rights Act strengthened Brown by giving it federal enforcement initiative. It is noteworthy, however, that by 1965--one year after the passage of the Civil Rights Act--the percentage of black students attending school with white students had only risen to two per cent in the eleven states of the Deep South. The other 98 per cent were in all-

black schools.16/ And by the end of the next two years, according to William L. Taylor, the vast majority of the blacks who finished high school in the spring of 1967 had never attended a single class with a single white student.17/ In fact, it took some five years after the passage of the Civil Rights Act (until 1968 or 1969) plus the assassination of Dr. Martin Luther King, Jr. for the federal enforcement initiative to be translated into appreciable increases in the enrollment of blacks in formerly all-white schools. Donald H. Smith tells us that it was not until about that time (late 1960s to early 1970s) that the enrollment rolls increased in higher education.18/

Of course, the brevity of this long-overdue outcome of Brown has proved to be a national disgrace. Within another five years (by 1974), for example, not only had black enrollment peaked in higher education, but the gains realized in the late 1960s and early 1970s had begun to decline--an enrollment decline that presently enjoys a full decade of steady increase. And, by the late 1970s, in his dissent in Bakke, Justice Thurgood Marshall said that "[t]he Court had gone full circle since Brown."19/

The bleakness of the foregoing statements notwithstanding, that long-awaited court initiative did follow the passage of the Civil Rights Act. It was both widespread and far-reaching in that new and meaningful decisions came from throughout much of the Deep South. At the same time, however, this court initiative was accompanied by questions such as the following:

> Suppose a school district keeps it separate white and black systems, but gives "freedom of choice" to anyone who wants to switch from one to another? That was too obvious;

the Court struck down freedom of choice in 1968. (Green, Monroe, and Raney cases.)20/

Suppose, though, that a school district merges its two systems into one, but leaves pupils in their own neighborhoods, blacks in black neighborhood schools, whites in white? Does this district have to bus to off-set residential segregation? In 1971, the Court said yes, a district can be compelled to bus (Swann).21/

Suppose, though, that the whites move across the school district line to the suburbs. If a neighborhood school attendance boundary is an artificial line, why is not the same true of a school district boundary, a city boundary. In 1974, the Court said that the same does not hold with respect to a city boundary. (Milliken v. Bradley)22/

With the Milliken v. Bradley decision, the High Court drew the final line. Its ruling on busing answered a question that had been pending for twenty years (since 1954); that is, how far would the Court go in compelling integration? In providing its answer, the Court said not across the city line.

THE IMPACT ON CHILDREN

Any discussion of school desegregation efforts would be incomplete without some mention of its impact on children. So, in brief, this author is reminded of Robert Coles' book: Children of Crisis: A Study of Courage and Fear wherein he discusses the children caught up in the desegregation movement and the people who nurtured them, and on occasion failed them terribly. In conducting his studies, Coles saw many of the children

and their families periodically over the nine-year period 1958-1967. Coles makes the struggle vivid to the reader--the constant threats "we'll kill you...poison you...choke you...." He gives accounts of terror, humiliation, repudiation possibly beyond any told in newspapers or television accounts. Yet, he reports little evidence of children being overwhelmed by their experience or becoming physically or mentally ill, disorganized, or aggressive.23/

In an effort to clarify the issues on integration (about the same time as the Coles' study--1963), Max Wolff went a bit further, as he looked at the Negro as a complete ethnic group. Considering the court decisions, the bus strike in Montgomery Alabama, the sit-ins in the South, he said that status of Negro had improved. Wolff credited the new-Negro student generation, that ~~were~~ was vocal on campuses everywhere as the herald of even greater changes. In spite of the signs of improvement that Wolff considered, they were followed by an insidious lethal element of the desegregation movement that made (and continues to make) blacks the target of "Pushouts"; which was the substance of a Southern Regional Council Report in 1973.

In the same context as the Council's Report, though ten years earlier, Wolff said:

> Still, in the main, the stigma of inferiority is unchanged, with individuals and individual situations permitted to serve as "exceptions to the rule." The stigma persists and is believed not only by the avowed "Negro-hater," but by the "well-meaning" citizen as well. And often the "well-meaning" citizenry will include the teachers and principals and members of boards of education charged with responsibility of

of insuring equal educational opportunity to the Negro child.24/

Although Wolff's statements were written a whole decade before the Council's Report and more than two decades before Brown's thirtieth anniversary, they appear contemporary as the substance of his words is the genesis of the problem facing blacks in desegregated schools in 1984. Likewise, the most salient problem found by the Council some ten years ago is also contemporary. The Council reported part of a pattern of continuing resistance to desegregation in the form of extraordinarily large and disproportionate numbers of minority students having been suspended, expelled, and induced to drop out of many desegregated school systems.25/ That problem still obtains.

SUMMARY

In closing, it appears fitting to point out that what seemed, on the surface like a progressive movement thirty years ago--first called school integration, later changed to school desegregation, and even later changed to unitary school systems --has turned out in many places to be a giant hoax, and everywhere another way of viewing and treating black youth as though they were inferior to others.

In the words of Andrew Billingsley, we were victimized by the mistaken belief that, if our children could just get by those police dogs, into those sterile white classrooms, and sit by those frightened, innocent, hostile white children, and could be taught their lessons by kindly, indifferent, and racist teachers in a school system designed, controlled, and ad-

ministered by white people, they would learn their lessons well, and would learn, in addition, how to be free and proud and competent human beings. And indeed, many of our children did learn these things. But they learned them in spite of, not because of or with the aid of, that system of education. Admitting that we were misguided, to be sure, Billingsley suggests that we were merely following our beliefs. We had come to believe in racial integration in the public schools. We had come to believe that it would usher in all kinds of benefits to our children, our community, and our nation. And we gave it all we had. If integration in the schools did not work, if it did not succeed in teaching our children how to read and how to be free and proud and competent, it is not the fault of black people. God knows we tried. We prayed, paid, organized, marched, sat-in, and put ourselves and our children on the alter in support of our beliefs in integration. The trouble was (and is), that the white people with the power to make it happen did not, and do not, believe in it. For integration implies at least a two-way learning absorption process. And white people of power are not convinced that their children or teachers have anything to learn from black children or black people generally.26/

NOTES

1. Arthur E. Sutherland, "Segregation and the Supreme Court," Atlantic Monthly, 194 (1954): 33-36.

2. Herman Talmadge is presently Georgia's ranking member of the United States Senate. "Talmadge and Segregation: He Makes His Stand," Newsweek, May 31, 1954, pp. 31-32.

3. Leo O. Garber, "Evolution in Judicial Thinking," The Nation's Schools, LIV (July, 1954), 32.

4. Norman A. Brittin, "Non-Segregation, or Quality, in Schools of the Deep South," Antioch Review, XIV (December, 1954), 387-397.

5. Brown v. Board of Education of Topeka, Kansas, 349 U.S. 294 (1955). (Commonly referred to as the "deliberate speed" decision.

6. William W. Brickman, "The State of Segregation," Schools and Society, LXXXII (November 12, 1955), 157.

7. Sam Duker, "Education and the Supreme Court 1950-54," Educational Forum, XIX (January, 1953), 205-207.

8. Brickman, op. cit.

9. Bruno Bettelheim, "Sputnik and Segregtion," Commentary, 1958, p. 58.

10. James S. Coleman, et al., Equality of Educational Opportunity, Washington, D.C.: National Center for Education Statistics, U.S. Department of Health, Education and Welfare, 1966.

11. Daniel P. Moynihan, "Sources of Resistance to the Coleman Report," Harvard Educational Review, Winter 1968, 38:23-37.

12. Arthur Jensen, "Can Negroes Learn the Way Whites Do?" U.S. News, March 10, 1969.

13. James E. Allen, Jr., "School Integration and Civil Rights," Schools and Society, November 14, 1964, 92: 342.

14. "The Civil Rights Act of 1964: Desegregtion in Public Education," School Life, XLVII (October, 1964), p. 13.

15. U.S. Supreme Court Docket No. 8279 (1984).

16. Leon Jones, From Brown to Boston: Desegregation in Educa-

tion--1954-1974, Metuchen, N.J.: The Scarecrow Press, 1979, p. 3.

17. William L. Taylor, U.S. Commission on Civil Rights Report. Washington, D.C.: U.S. Commission on Civil Rights, 1967.

18. Donald H. Smith, "Admission and Retention Problems of Black Students at Seven Predominantly White Universities," Washington, D.C.: U.S. Department of Education, National Advisory Committee on Black Higher Education and Black Colleges and Universities, December, 1980 Issue, p. 3.

19. University of California at Davis v. Bakke, 438 U.S. 265, 402 (1978).

20. Green v. County School Board of New Kent County, Virginia, 391 U.S. 430 (1968); Raney v. Board of Education of the Gould School District, Gould, Arkansas, 391 U.S. 443 (1968); Monroe v. Board of Commissioners of City of Jackson, Tennessee, 391 U.S. 450 (1968).

21. Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1 (1971).

22. Milliken v. Bradley, 418 U.S. 717 (1974).

23. Robert Coles, Children of Crisis: A Study of Courage and Fear, Boston: Little, Brown, and Company 1967.

24. Max Wolff, "The Issues in Integration," The Journal of Educational Psychology, XXXVI (February, 1963), 241-244.

25. "Blacks Target of 'Pushouts,'" Southern Regional Council Report, Atlanta, November, 1973.

26 Andrew Billingsley, "The Struggle for Black Education," (Unpublished manuscript, 1972), p. 3.